

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC.APPLICATION (TEMPORARY BAIL) NO. 3 of 2026
In R/CRIMINAL APPEAL NO. 1751 of 2026**

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CHAITARBHAI DAMJIBHAI VASAVA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR I.H.SYED, SR.ADVOCATE with MR ISA HAKIM, MR ARJUN M JOSHI,
MR CHANDRAMANI DEV, MR IBRAHIM HAKIM AND MR SANGAM GARG,
ADVOCATES for the PETITIONER(s) No. 1

MR ISA HAKIM(10874) for the PETITIONER(s) No. 1

MR HARDIK DAVE, PUBLIC PROSECUTOR with MR BHARGAV PANDYA,
APP for the RESPONDENT(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 07/09/2026****IA ORDER**

1. RULE. Learned APP Mr.Bhargav Pandya waives service of notice of rule for and on behalf of the respondent – State.

2. By way of filing the present application, the applicant-convict has prayed to release him on temporary bail for a period of 15 days from 07.09.2026 to 21.09.2026, on the ground of attending the 9th Assembly Sessions of the 15th Gujarat Legislative Assembly scheduled to be held between 08.09.2026 and 10.09.2026.

3. The present applicant has been convicted and sentence by the learned Additional Sessions Judge, Narmada at Rajpipla,

vide judgment and order dated 23.06.2026 passed in Sessions Case Nos.6 and 5 of 2025, for the offences punishable under Sections 143, 147, 148, 149, 189, 332, 353, 386, 294(b), 506(2), 201 and 34 of the Indian Penal Code, as well as, under Section 25(1-a) of the Arms Act.

4. The application preferred by the applicant-convict under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking suspension of sentence imposed upon him came to be rejected by this Court *vide* order dated 24.08.2026 passed in Criminal Misc. Application No.1 of 2026 in the captioned criminal appeal.

5. At the outset, learned senior advocate Mr.Syed has submitted that *vide* letter dated 04.08.2026 signed by the Section Officer, Gujarat Legislative Assembly, Sachivalaya, Gandhinagar, addressed to the Jail Superintendent, Vadodara Central Jail, Vadodara, the present applicant-convict was communicated about the schedule of days for asking starred questions during the 9th Assembly Session of the 15th Gujarat Legislative Assembly. Furthermore, *vide* letter dated 03.08.2026, the Secretary, Gujarat Legislative Assembly, has requested the present applicant-convict to remain present at the 9th Assembly Session scheduled on 08.09.2026 at 12:00 noon, in view of the Notification issued by the Governor of Gujarat under Article 174(1) of the Constitution of India.

6. Learned senior advocate Mr.Syed has, therefore, urged that considering the aforesaid, the present application may be

allowed and the applicant-convict may be released on temporary bail for a period of 15 days to attend the 9th Assembly Session of the 15th Gujarat Legislative Assembly.

7. Vehemently opposing the present application, learned Public Prosecutor Mr.Hardik Dave assisted by learned APP Mr.Bhargav Pandya has submitted that admittedly the applicant-convict has not been disqualified, but once he is convicted, he cannot claim temporary bail as a matter of right to attend the Assembly Session. In support of his submissions, learned Public Prosecutor Mr.Dave has relied upon the decision of the Supreme Court in the case of ***K.Ananda Nambiar and R.Umanath vs. Chief Secretary to the Govt. of Madras and others***, reported in AIR 1966 SC 657.

8. In the alternative, learned Public Prosecutor Mr.Dave has submitted that if this Court is inclined to grant temporary bail, then considering the seriousness and gravamen of the offence, the present applicant-convict may be released on temporary bail under police escort and he shall be put to condition that he shall not leave Gandhinagar and shall not address any public gathering or appear before the media.

9. Heard learned advocates appearing for the respective parties. Having considered the averments made in the application and the fact that the present applicant-convict is a sitting MLA and is invited to attend the Assembly Session of the Legislative Assembly along with the fact that the present applicant-convict is in judicial custody since June 2026, the

present application deserves consideration.

10. The application is allowed. The applicant-convict is hereby ordered to be released on temporary bail for a period of seven days from the date of his actual release, upon his executing a personal bond of Rs.15,000 (Rupees Fifteen Thousand) before the jail authority, on the following conditions that, during his release on temporary bail -

- (a) he shall not leave Gandhingar city;
- (b) he shall not address any public gathering;
- (c) he shall not appear before the media;

11. The applicant-convict shall surrender before the jail authority immediately on completion of his temporary bail period, without fail. It is hereby clarified that no further extension shall be granted in any case.

12. Rule made absolute to the aforesaid extent. Direct service is permitted.

13. Registry is directed to intimate the concerned jail authority about the present order by sending a copy of this order through fax message, email and/or any other suitable electronic mode.

(VIMAL K. VYAS, J.)

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